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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1301 (2000) of 31 May 2000, by which the Council extended the mandate of the United Nations Mission for a Referendum in Western Sahara (MINURSO) until 31 July 2000 and requested me to provide an assessment of the situation before the end of that mandate. The Security Council acted in the expectation that the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), would offer my Personal Envoy, James Baker III, specific and concrete proposals that can be agreed to in order to resolve the multiple problems relating to the implementation of the settlement plan and to explore all ways and means to achieve an early, durable and agreed resolution to their dispute over Western Sahara. The present report covers developments since my previous report to the Council, dated 22 May 2000 (S/2000/461).

II. Developments during the reporting period

A. Second meeting of the parties under the auspices of the Personal Envoy of the Secretary-General (London, 28 June 2000)

2. Pursuant to the provisions of Security Council resolution 1301 (2000), the parties were invited to meet in London, on 28 June 2000, under the auspices of my Personal Envoy. The letters of invitation specified that the discussions would be held under the same conditions as those during the meeting held in May, namely, that the talks would be private and direct and that no issue would be considered as finally agreed until every outstanding issue had been agreed. The two neighbouring countries, Algeria and Mauritania, were invited to attend the London meeting as observers. There was a frank and full exchange of views during the discussions. Each party was asked by my Personal Envoy to present its proposals.

3. The Frente POLISARIO identified two areas of difficulty, namely, the conduct of the appeals process and the repatriation of refugees. With regard to the appeals process, the Frente POLISARIO reiterated its willingness to cooperate with the United Nations to resolve all problems encountered in the implementation of the settlement plan and to examine any proposals to be made by the United Nations aimed at launching the appeals process. Concerning the repatriation of refugees, the Frente POLISARIO reconfirmed its commitment to continue its cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) in carrying out its mission according to normal practices and principles concerning repatriation.

4. The Frente POLISARIO reaffirmed its commitment to the implementation of the confidence-building measures proposed by UNHCR and its attachment to the settlement plan and the Houston Agreements. The Frente POLISARIO also reiterated its promise to respect the results of the referendum of self-determination and expressed its hope that Morocco would do the same. The Frente POLISARIO delegation stressed that it would be up to the Security Council to take the necessary measures to ensure respect of the

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referendum results. However, there were no specific proposals from the Frente POLISARIO to resolve the multiple problems of the settlement plan that the parties could agree to.

5. Morocco identified four areas which in its view were impeding the implementation of the settlement plan, namely, the conduct of the appeals process; the reversal of the identification results for some 7,000 applicants, which, in Morocco's view, should be reinstated; the repatriation of Saharan refugees; and the issue of Saharans who had reached voting age after December 1993 but had not been included in the identification process. According to Morocco, those individuals should be identified or at least permitted to lodge appeals in order to allow all Saharans to participate in the referendum. Morocco added that it would not take part in a referendum where any Saharans who might be entitled to vote were not allowed to do so. In Morocco's view, the right to self-determination meant the right of all Saharans to decide their fate.

6. With respect to the appeals process, Morocco identified two areas of concern, namely, the question of the admissibility of appeals, which it considered should be limited to a procedural review with the appeals forwarded to the Appeals Chamber; and the issue of the concurrent testimony by two tribal leaders (sheikhs), which Morocco found to be unacceptable since it would be prejudicial to the appellants as it had been during the identification process. Morocco stated that during the appeals process it would not agree to submit testimony by new witnesses in the presence of the POLISARIO sheikhs.

7. Concerning the repatriation of refugees, Morocco considered that UNHCR should ascertain the wishes of all refugees, and that for security, economic and political reasons repatriation could not take place to the east of the berm. Morocco also reiterated its willingness to cooperate with UNHCR in implementing the confidence-building measures and felt that the repatriation could be completed before the end of 2000. Morocco promised to support all efforts by the United Nations to address the injustices that, in its view, had been perpetrated against thousands of authentic Saharans and to remain a true partner to the United Nations in the search for a definitive solution to the question of Western Sahara. However, there were no specific proposals from Morocco to resolve the multiple problems of the settlement plan that the parties could agree to.

8. In addition to the areas of difficulty highlighted by the parties, my Personal Envoy indicated that, in his view, other issues remained unresolved, namely, enforcement of the results of the referendum; release of prisoners of war and Saharan political detainees; and possible problems relating to the implementation of the code of conduct for the referendum campaign. My Personal Envoy also expressed concern that the parties had so far failed to negotiate the problems, as there still existed a high level of animosity between them. According to him, neither party had shown any disposition to depart from the "winner-take-all" mentality or appeared willing to discuss any possible political solutions in which each would get some, but not all, of what it wanted and would allow the other side to do the same. After asking each party for concrete proposals to bridge their differences and receiving none, my Personal Envoy expressed the view that, in the light of the above, the meeting, instead of resolving problems, had in fact moved things backwards as it had deepened the differences between the parties.

9. My Personal Envoy then appealed to the parties, stating that, even though there appeared to be no imminent political solution to the problems, a return to violence should not be entertained as an acceptable alternative. He asked the parties to meet again in order to arrive at a political solution, explaining that for such a solution several options existed. There could be a negotiated agreement for full integration of Western Sahara with Morocco, or for full independence, although in his view, neither prospect appeared likely. Alternatively, a negotiated agreement could produce a solution somewhere between those two results. Still another political solution could be an agreement that would permit a successful implementation of the settlement plan. He reiterated to the parties that, should they agree to discuss a political solution other than the settlement plan, they would not prejudice their final positions since, according to the rules of the consultations, nothing would be agreed to until everything had been agreed to.

10. Closing the meeting, my Personal Envoy asked the parties to participate in expert-level meetings at Geneva to address the questions of the appeals process, prisoners of war and refugees. To that effect, my Special Representative, William Eagleton, and the

Deputy to my Personal Envoy, John R. Bolton, will visit Geneva later this month to meet with representatives of the International Committee of the Red Cross, UNHCR and the parties.

11. I wish to take this opportunity to express my appreciation to the Government of the United Kingdom of Great Britain and Northern Ireland for once again hosting these important talks.

B. Other developments

12. During the reporting period, my Special Representative and the Chairman of the Identification Commission maintained contacts with the parties in Rabat and Tindouf to ensure follow-up on the implementation of the provisions of Security Council resolution 1301 (2000). As part of his regular consultations, my Special Representative met, on 12 and 13 June, with the Moroccan Secretary of State for Foreign Affairs, Taieb Fassi Fihri, and with the Permanent Representative of Morocco to the United Nations, Ahmed Snoussi. On 19 June, he met with the Secretary-General of the Frente POLISARIO, Mohamed Abdelaziz, and with the Frente POLISARIO Coordinator with MINURSO, M'hamed Khaddad.

13. On my way to the Middle East, I briefly visited the Kingdom of Morocco on 17 June 2000 where I met with King Mohammed VI and Prince Moulay Rachid.

C. Appeals process

14. During the reporting period, the Chairman of the Identification Commission continued his consultations with the Coordinators of the Government of Morocco and the Frente POLISARIO on the implementation of the work programme of the Commission.

15. The Identification Commission has almost completed its work on data processing and analysis of the files received during the first round of appeals. A comprehensive inventory of all the identification and appeals files was undertaken which would allow the computerized archiving of all forms and documents contained in the files, as well as easy access and on-line communication with all the sections of the Appeals Chamber. The Commission has also completed an extensive programme of family research with a view to ascertaining the claims of the appellants regarding the existence of immediate family members included in the provisional voter lists.

16. Following a meeting of Identification Commission members in Agadir on 27 and 28 May 2000, a training manual was finalized to ensure a consistent modus operandi in the application of the provisions of the Appeals Procedures and Operational Directives, as well as a training kit containing all the relevant documents and guidelines on the use of the admissibility processing software. One-week training programmes for all Commission staff began at Laayoune on 12 June 2000 and will be completed next month.

17. A tentative work programme on the admissibility technical review has been prepared and informally submitted to the parties. In the meantime, following the publication of the second part of the provisional voter lists, the Commission continues to work on data processing and analysis of 54,889 appeals files.

18. I wish to place on record my appreciation for the close cooperation extended to MINURSO by the observer delegation of the Organization of African Unity (OAU) led by Ambassador Yilma Tadesse (Ethiopia), in support of the implementation of the settlement plan. OAU provides a valuable service, briefing visiting dignitaries and delegations on the current state of the implementation of the plan.

D. Military aspects

19. As at 3 July 2000, the strength of the military component of MINURSO stood at the authorized strength of 230 military personnel (see annex). Under the command of General Claude Buze (Belgium), the military component continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO military forces, which came into effect on 6 September 1991. During the reporting period, the area of responsibility of MINURSO remained calm. Despite a noticeable increase in the military training activities of Frente POLISARIO, there have been no indications that either side intends to resume hostilities within the foreseeable future.

20. Progress continued in the implementation of the agreements between MINURSO and the two parties on the marking and disposal of mines and unexploded ordnance and the exchange of related information. During the period from 13 May to 3 July 2000, 278

mines and unexploded ordnance were marked and 124 destroyed on the Moroccan side, while 488 were marked and 177 destroyed on the Frente POLISARIO side.

E. Civilian police aspects

21. The current strength of the civilian police component of MINURSO stands at 46 civilian police officers, down from 80 in May, under the command of Inspector General Om Prakash Rathor (India). MINURSO civilian police officers continue to protect files and sensitive material at the Identification Commission centres at Laayoune and Tindouf.

F. Preparatory work for the repatriation of Saharan refugees

22. During the reporting period, UNHCR, in close consultation and cooperation with MINURSO, continued with its preparatory work for the repatriation of Saharan refugees, as provided for under the settlement plan. While consultations continued between UNHCR and the parties, it was noted that certain activities, such as the cross-border confidence-building measures, could start only after the parties and the refugees had agreed to the modalities for implementing those measures.

23. UNHCR continued its activities related to pre-registration and needs assessment of the refugees in the Tindouf camps, using the MINURSO provisional voter lists. UNHCR is currently engaged in the electronic data processing of all pre-registered refugees, after which it will complete the pre-registration of those refugees who were away from the camps during the pre-registration phase. As an integral part of its responsibilities, UNHCR intends to conduct a census in the camps to ascertain the number of refugees who were not included in the MINURSO provisional lists of voters. During the pre-registration exercise and other contacts with the refugees, the vast majority continued to express their desire to return only to the territory east of the berm. Pending the voluntary repatriation of the Saharan refugees, UNHCR continues to implement its care and maintenance assistance programme in the Tindouf camps.

24. The Prime Minister of Morocco, Abderrahman El-Youssoufi, visited UNHCR at Geneva on 27 June 2000 and had a courtesy meeting with the High Commissioner. General issues related to the UNHCR mandate were discussed, including the role of UNHCR in the context of the settlement plan and its refugee assistance programme for the Saharan refugees.

III. Financial aspects

25. The General Assembly, by its resolution 54/268 of 15 June 2000, appropriated the amount of $49.3 million, equivalent to a monthly rate of some $4.1 million, for the maintenance of MINURSO for the period from 1 July 2000 to 30 June 2001. Therefore, should the Security Council approve my recommendation contained in paragraph 31 below, the cost of maintaining the Mission will be within the monthly rate approved by the General Assembly.

26. As at 30 June 2000, unpaid assessed contributions to the special account for MINURSO amounted to $73.4 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,970.5 million.

IV. Observations and recommendations

27. Despite the efforts by my Personal Envoy, there was no progress during the meeting held in London on 28 June between the parties in resolving any of the multiple problems impeding the implementation of the settlement plan. In fact, my Personal Envoy has pointed out to me, as he did to the parties at the end of the consultations, that the meeting, instead of resolving the problems, had moved things backwards.

28. After stating their respective positions, which were already known, neither party appeared willing to offer any concrete proposals to bridge the differences between them. They both insisted on a "winner-take-all" approach and did not appear willing to discuss a solution where each would get some, but not all, of what each wanted. Nor did they appear disposed to put aside mutual animosity and begin to negotiate a political solution that would resolve their dispute over Western Sahara.

29. As my Personal Envoy explained to the parties, a political solution could be a number of things, but most importantly, it would not be a military solution. Such a

solution could be: a negotiated agreement for full integration with Morocco; a negotiated agreement for full independence; a negotiated agreement for something in between; or a negotiated agreement that would permit a successful implementation of the settlement plan. It should be noted, however, that the positions of the parties in interpreting some of the key provisions of the settlement plan, and the problems encountered over the past nine years to achieve its implementation, do not augur well for that prospect. Obviously, arriving at a political solution is far more preferable than a breakdown of the process which might lead to a return to hostilities, something that must be avoided at all costs.

30. Concluding this rather bleak assessment of the current situation, I should like to suggest that the Security Council reflect on the problem of ensuring that the results of the referendum, were one to be held, are respected by the parties. In this regard, I should like to recall, as my Personal Envoy pointed out to the parties during the recent London meeting, and as already stated in paragraph 36 of my report of 26 February 2000 (S/2000/131), that there is no enforcement mechanism envisioned by the settlement plan, nor is one likely to be proposed, calling for the use of military means to effect enforcement.

31. Despite the lack of progress at the London meeting, I hope that during the forthcoming expert-level meetings in Geneva on the questions regarding appeals, prisoners of war and refugees some progress could be achieved. Following those consultations, I expect my Personal Envoy to meet again with the parties, in the presence of the two observer countries, to try once again to resolve the multiple problems relating to the implementation of the settlement plan and to try to agree upon any other political solution to their dispute over Western Sahara. In the meantime, I recommend that the Security Council extend the mandate of MINURSO for a period of three months, until 31 October 2000.

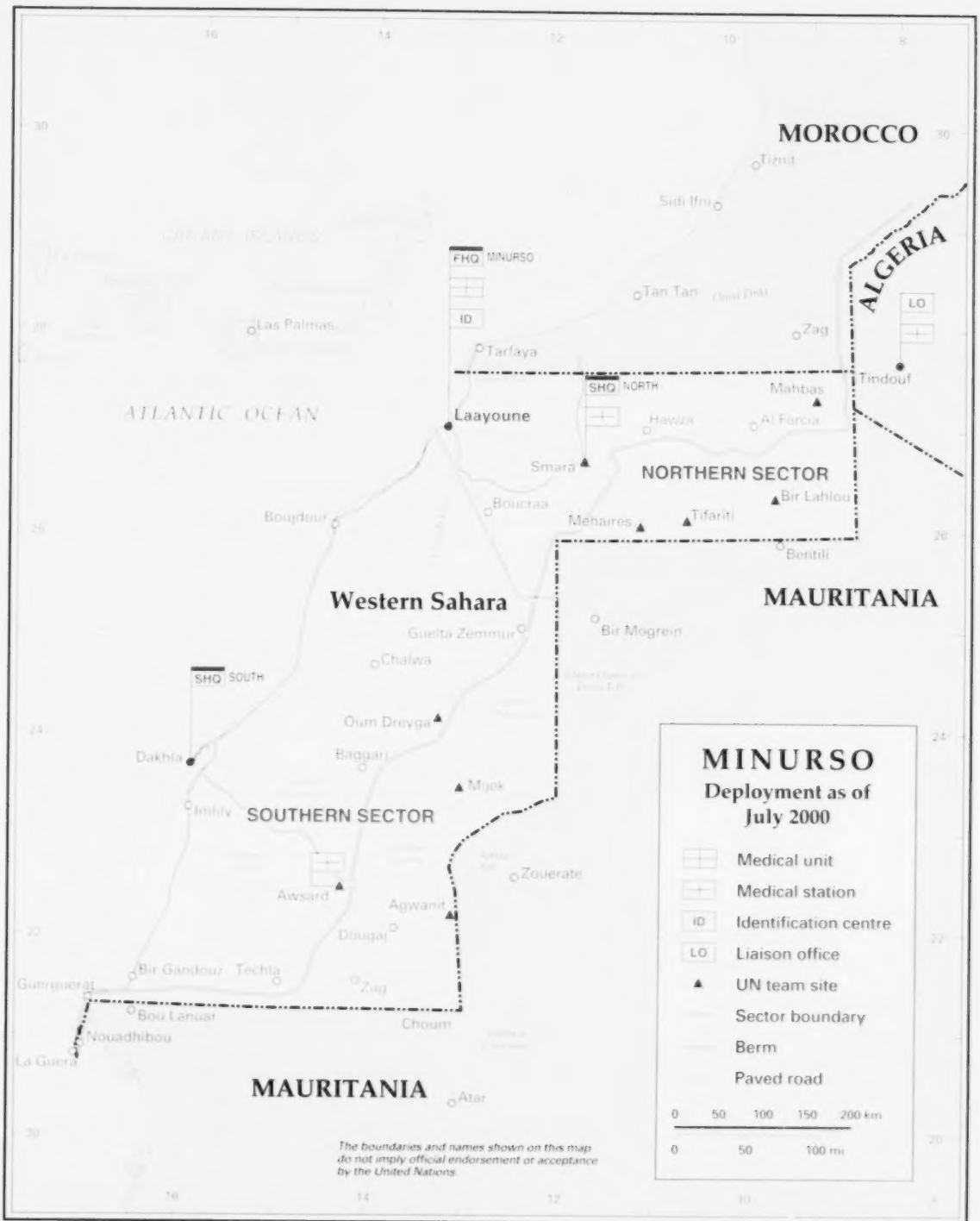
Annex

United Nations Mission for the Referendum in Western Sahara: contributions as at 12 July 2000

	Military observers	*Troops*	*Civilian police*	*Total*
Argentina	1			1
Austria	4			4
Bangladesh	6			6
Belgium	1*			0
China	16			16
Egypt	18			18
El Salvador	2			2
France	23			23
Ghana	6	7	9	22
Greece	1			1
Guinea	3			3
Honduras	12			12
Hungary	3		3	6
Ireland	6			6
India			10	10
Italy	5			5
Kenya	8			8
Malaysia	13			13
Nigeria	5		10	15
Norway			2	2
Pakistan	6			6
Poland	4			4
Portugal	5		3	8
Republic of Korea		20		20
Russian Federation	25			25
Senegal			6	6
Sweden			1	1
Uruguay	15			15
United States of America	15			15
Total	**202**	**27**	**44****	**272**

* Force Commander.

** Authorized strength is 81 and by the beginning of August full deployment is expected.



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